

## Message Text

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ACTION SCS-03

INFO OCT-01 ARA-06 ISO-00 SCA-01 DHA-02 L-03 H-02 SS-15

JUSE-00 /033 W

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R 042305Z MAR 76

FM AMEMBASSY MEXICO

TO SECSTATE WASHDC 3422

C O N F I D E N T I A L MEXICO 2918

EO 116514 VSS

TAGS: CASC, MX

SUBJECT: US PRISONERS IN MEXICO -- CALL ON FOREIGN MINISTER

GARCIA ROBLES

REF STATE 37914

1. SECRETARY KISSINGER'S LETTER TO FOREIGN MINISTER GARCIA ROBLES WAS DELIVERED IMMEDIATELY UPON ARRIVAL. DUE TO MY ABSNECE FROM MEXICO AT INTERPARLIAMENTARY MEETING I HAD TO CANCEL EARLIER APPOINTMENT BUT SAW HIM THIS MORNING IN ORDER TO REINFORCE ORALLY OUR CONCERNS ON PROBLEM.

2. GARCIA ROBLES WAS RECEPTIVE AND SYMPATHETIC. HE SAID HE HAD CAREFULLY READ THE KISSINGER LETTER AND HAD ASKED FOR A STAFF STUDY TO BE MADE IN ORDER TO GIVE A MORE PROFOUND REPLY. HE DREW FROM THE LETTER THAT WE HAD THREE PRINCIPAL FIELDS OF COMPLAINT TO WIT: A. NOTIFICATION AND ACCESS - HE RECOGNIZED THAT MEXICO HAD A TREATY OBLIGATION IN THIS REGARD, REMINDED ME THAT ATTORNEY GENERAL OJEDA PAULLADA HAS SENT OUT A CIRCULAR, ACKNOWLEDGED MY POINT THAT COMPLIANCE WAS STILL SPOTTY. I GAVE HIM A SUMMARY AND A CHART OF THE SITUATION AS IT APPLIED PARTICULARLY TO THE MEXICO CONSULAR DISTRICT. HE SAID THIS MATERIAL WOULD HELP HIS STAFF ON THEIR STUDY AND HE INTENDED TO ASK OJEDA PAULLADA TO RE ISSUE CIRCULAR. IN HIS MIND IMMEDIATE ACCESS SHOULD BE THE SAME DAY IF POSSIBLE AND IF NOT ON THE SUCCEEDING DAY. B. DETAINMENT WITHOUT

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SENTENCING - OUR CONCERN ABOUT THE LENGTHY TRIAL DELAYS,

PARTICULARLY BEYOND ONE YEAR. THIS MATTER WAS BEING INVESTIGATED. HE UNDERSTOOD THAT IN MANY CASES THE DELAY WAS DUE TO THE ACTIONS BY THE DEFENSE BUT THERE WAS ALSO THE CASE OF OVERLOADED COURT DOCKETS. HE POINTED OUT THAT IN A RECENT COMMUNICATION TO THE EMBASSY THE MINISTRY HAD TOLD US THAT IN THOSE CASES WHERE A PRISONER FELT THAT HIS CONSTITUTIONAL RIGHTS WERE BEING VIOLATED BY DELAYS OF MORE THAN A YEAR THAT THE POSSIBILITY OF REQUESTING RELIEF THROUGH "AMPARA" EXISTED AND THIS COULD BE DONE ON AN INDIVIDUAL BASIS BY COUNSEL. C. ALLEGATIONS OF PHYSICAL ABUSE - THIS WAS A PAINFUL SUBJECT FOR HIM AS HE RECOGNIZED THAT DESPITE GOOD INTENTIONS AT THE TOP OF THE MEXICAN GOVERNMENT, THERE PROBABLY WERE VALID INSTANCES OF ABUSE. IT WAS A MATTER ON WHICH BOTH SIDES SHOULD EXERCISE CONSTANT VIGILANCE, AND HE AGREED THAT NOTIFICATION AND ACCESS WERE IMPORTANT DETRIMENTS BOTH TO PHYSICAL ABUSE AND TO FALSE ALLEGATIONS THEREOF. HE WOULD INCLUDE THPS MATTER NOT ONLY IN HIS STAFF STUDY BUT IN HIS RECOMMENDATION TO THE ATTORNEY GENERAL.

3. SPEAKING MORE GENERALLY WE DISCUSSED PRISON CONDITIONS IN MEXICO AND REFERRED TO AN ARTICLE ON THIS SUBJECT IN TODAY'S EDITION OF EL SOL, ONE OF THE LEADING MEXICO CITY DAILIES. HE WAS INTERESTED IN MY OBSERVATION REGARDING CONDITIONS AT LECUMBERRI AS CONTRASTED WITH MORE ENLIGHTENED MANAGEMENT IN THE WOMEN'S PRISON AT LOS REYES.

4. IN CLOSING THE CONVERSATION, GARCIA ROBLES ASKED ME TO ASSURE THE SECRETARY THAT HE TOOK THIS MATTER SERIOUSLY AS HE REALIZED THE BAD IMAGE IT COULD GIVE MEXICO AND THE IRRITANTS THAT IT WOULD CAUSE IN OUR RELATIONSHIP. HE PREFERRED TO DELAY IN REPLYING PERSONALLY TO THE SECRETARY UNTIL HIS STAFF STUDY WAS FURTHER ALONG AND TOLD ME HE WAS HOPEFUL OF FINDING SOME "NEW ANGLE" OR USEFUL NEW PROCEDURE WHICH MIGHT BE UTILIZED TO IMPROVE MATTERS AND GIVE GREATER AGILITY TO THE GOM RESPONSE. IN THE MEANTIME, HE HAD CENTRALIZED ACTION ON NOTES FROM THE EMBASSY ON THIS MATTER IN THE HANDS OF UNDER SECRETARY GALLASTEGUI IN ORDER TO AVOID ANY FURTHER EMBARRASSING CONFIDENTIAL

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INSTANCES WHERE DELAYS IN REPLY HAD OCCURRED.

5. I WAS GRATIFIED BY THE OBVIOUS SINCERITY DISPLAYED BY GARCIA ROBLES. HE HAD STUDIED THE MATTER CAREFULLY AND WAS FULLY UP TO DATE ON BOTH THE VIENNA AND THE BILATERAL CONSULAR CONVENTION AND IS OBVIOUSLY TAKING A PERSONAL INTEREST IN THE MATTER.  
JOVA

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## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** n/a  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 04 MAR 1976  
**Decaption Date:** 01 JAN 1960  
**Decaption Note:**  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Authority:** GolinoFR  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 28 MAY 2004  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
**Document Number:** 1976MEXICO02918  
**Document Source:** CORE  
**Document Unique ID:** 00  
**Drafter:** n/a  
**Enclosure:** n/a  
**Executive Order:** GS  
**Errors:** N/A  
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**Office:** ACTION SCS  
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**Original Handling Restrictions:** n/a  
**Original Previous Classification:** n/a  
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**Page Count:** 3  
**Previous Channel Indicators:** n/a  
**Previous Classification:** CONFIDENTIAL  
**Previous Handling Restrictions:** n/a  
**Reference:** 76 STATE 37914  
**Review Action:** RELEASED, APPROVED  
**Review Authority:** GolinoFR  
**Review Comment:** n/a  
**Review Content Flags:**  
**Review Date:** 06 APR 2004  
**Review Event:**  
**Review Exemptions:** n/a  
**Review History:** RELEASED <06 APR 2004 by ellisoob>; APPROVED <06 APR 2004 by GolinoFR>  
**Review Markings:**

Margaret P. Grafeld  
Declassified/Released  
US Department of State  
EO Systematic Review  
04 MAY 2006

**Review Media Identifier:**  
**Review Referrals:** n/a  
**Review Release Date:** n/a  
**Review Release Event:** n/a  
**Review Transfer Date:**  
**Review Withdrawn Fields:** n/a  
**Secure:** OPEN  
**Status:** NATIVE  
**Subject:** US PRISONERS IN MEXICO -- CALL ON FOREIGN MINISTER GARCIA ROBLES  
**TAGS:** CASC, MX, US, (KISSINGER, HENRY A), (GARCIA ROBLES, ALFONSO)  
**To:** STATE  
**Type:** TE  
**Markings:** Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006